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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,251	05/31/2000	Hirofumi Takei	B208-1095	2841
26272	7590	12/05/2003	EXAMINER	
ROBIN BLECKER & DALEY 2ND FLOOR 330 MADISON AVENUE NEW YORK, NY 10017			LONG, HEATHER R	
ART UNIT		PAPER NUMBER		7
2615				

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/583,251	TAKEI, HIROFUMI
	Examiner	Art Unit
	Heather R Long	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 31 May 2000.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,4-6,8,11-13,15 and 18-20 is/are rejected.  
 7) Claim(s) 2,3,7,9,10,14,16,17 and 21 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 31 May 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                    6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. Figures 8-14 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claims 2-3, 7, 9-10, 14, 16-17, and 21 all reference a ratio of the mean value over the peak value, but in the specification the ratio consists of the peak value over the mean value (page 21, line 26 to page 22, line 2 in the applicants specification and Fig. 5, S516).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 6, 8, 11, 13, 15, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Takei (U.S. Patent 5,831,672).

Regarding claim 1, Takei discloses a white balance correcting device for correcting white balance of a picked-up image, comprising: mean value calculating means for dividing an image picking-up plane into a plurality of blocks and calculating a mean value of video signals obtained in each of the plurality of blocks; peak value acquiring means for acquiring a peak value of video signals obtained in each of the plurality of blocks; selection means for selecting one of the values obtained by the mean value calculating means and the value obtained by the peak value acquiring means; and white balance control means for controlling white balance on the basis of the value selected by the selection means (col. 10, lines 1-11 and 32-41; col. 14, lines 58-61; col. 15, lines 27-30 and 50-64).

Regarding claim 4, Takei discloses in Fig. 9 a white balance correcting device wherein the peak value acquiring means acquires peak values of video signals from signals that have beforehand been subjected to limitation for setting an upper limit to a signal level of an inputted video signal (col. 10, lines 25-30).

Regarding claim 6, Takei discloses a white balance correcting device for correcting white balance of a picked-up image, comprising: mean value calculating means for calculating a mean value of inputted video signals; peak value acquiring means for acquiring a peak value of the inputted video signals; selection means for selecting one of the values obtained by the mean value calculating means and the value obtained by the peak value acquiring means; and white balance control means for

controlling white balance on the basis of the value selected by the selection means (col. 10, lines 1-11 and 32-41; col. 14, lines 58-61; col. 15, lines 27-30 and 50-64).

Regarding claims **8** and **11**, these are method claims corresponding to the apparatus claims 1 and 4 respectively. Therefore, claims 8 and 11 are analyzed and rejected as previously discussed with respect to claims 1 and 4.

Regarding claim **13**, this is a method claim corresponding to the apparatus claim 6 respectively. Therefore, claim 13 is analyzed and rejected as previously discussed with respect to claim 6.

Regarding claim **15**, Takei discloses a storage medium which stores therein a program for executing a process for correcting white balance of a picked-up image, the process comprising: dividing an image picking-up plane into a plurality of blocks; calculating a mean value of video signals obtained in each of the plurality of blocks; acquiring a peak value of video signals obtained in each of the plurality of blocks; selecting one of the calculated mean values and the acquired peak value; controlling white balance on the basis of the selected one of the calculated mean value and the acquired peak value (col. 9, lines 49-54; col. 10, lines 1-11 and 32-41; col. 14, lines 58-61; col. 15, lines 27-30 and 50-64).

Regarding claim **18**, Takei discloses a storage medium wherein peak values of the video signals are acquired from signals that have beforehand been subjected to limitation for setting an upper limit to a signal level of an inputted video signal (col. 10, lines 25-30).

Regarding claim 20, Takei discloses a storage medium which stores therein a program for executing a process for correcting white balance of a picked-up image, the process comprising: calculating a mean value of inputted video signals; acquiring a peak value of the inputted video signals; selected one of the calculated mean value and the acquired peak value; and controlling white balance on the basis of the selected one of the calculated mean value and the acquired peak value (col. 10, lines 1-11 and 32-41; col. 14, lines 58-61; col. 15, lines 27-30 and 50-64).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takei (U.S. Patent 5,831,672).

Regarding claim 5, Takei differs from claim 5 in that claim 5 further requires a white balance correcting device wherein the peak value acquiring means acquires peak values of video signals from signals that have beforehand been subjected by a low-pass filter to limitation for setting an upper limit to a signal level of an inputted video signal. However, Official Notice is taken that both the concept and the advantages of using a low-pass filter to set the upper limit of a signal level of an inputted video signal is well known and expected in the art. Therefore, it would have been obvious to use a low-

pass filter to set the upper limits of a signal level of an inputted video signal to obtain a certain range of peak values.

Regarding claim 12, this is a method claim corresponding to the apparatus claim 5 respectively. Therefore, claim 12 is analyzed and rejected as previously discussed with respect to claim 5.

Regarding claim 19, grounds for rejecting claim 5 apply for claim 19 in its entirety.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Nishimura et al. (U.S. Patent 5,617,141) discloses an exposure control unit that is controlled by computing the ratio of the peak value to the mean value.
- b. Suzuki (U.S. Patent 5,465,116) discloses a white balance control function that involves the use of the peak value and the mean value of the picture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone

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number for the organization where this application or proceeding is assigned is (703)  
872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

hrl  
November 21, 2003



NGOC-YEN VU  
PRIMARY EXAMINER